

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

: **CRIMINAL NO. 1:12-CR-326**

v.

: **(Chief Judge Conner)**

DARNELL DOSS

:

ORDER

AND NOW, this 31st day of July, 2015, upon consideration of the request (Doc. 103) filed *pro se* by defendant Darnell Doss (“Doss”), wherein Doss requests: *first*, that the court extend the time for filing a notice of appeal, *second*, that the court provide him “certified copies” of a number of documents of record and the transcripts of his change of plea and sentencing proceedings to aid in preparation for an appeal, and *third*, that the court appoint counsel to represent Doss on appeal, and the court, addressing Doss’s requests *seriatim*, noting that the time for filing a notice of appeal in criminal cases is governed by Rule 4(b) of the Federal Rules of Appellate Procedure, see FED. R. APP. P. 4(b), which provides that a notice of appeal must be filed “within 14 days after the later of . . . the entry of either the judgment or the order being appealed” id., and also noting that the court may, “[u]pon a finding of excusable neglect or good cause . . . extend the time to file a notice of appeal,” but that such extensions may not “exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b),” FED. R. APP. P. 4(b)(4); see also United States v. Carelock, 459 F.3d 437, 441 n.7 (3d Cir. 2006) (“Rule 4(b)(4) only allows a maximum extension of 30 days.”), and it appearing that the Clerk of Court entered judgment in this case on March 17, 2015, (see Doc. 99), and that any notice

of appeal was due on or before March 31, 2015, see FED. R. APP. P. 4(b)(1)(A), and at latest—assuming a Rule 4(b)(4) extension—on or before April 30, 2015, and that the instant motion for an extension of time thus “exceed[s] 30 days from the expiration of the time otherwise prescribed by . . . Rule 4(b),” FED. R. APP. P. 4(b)(4); see also United States v. Hubbard, 392 F. App’x 35, 36-37 (3d Cir. 2010) (nonprecedential) (citing Carelock, 459 F.3d at 441 n.7) (reversing court’s order granting Rule 4(b)(4) motion for an extension of time filed more than one year after date of judgment), and the court finding the balance of Doss’s request to be moot in light of the conclusion that any notice of appeal would be untimely, it is hereby ORDERED that:

1. Doss’s request (Doc. 103) is CONSTRUED as a motion for an extension of time pursuant to Federal Rule of Appellate Procedure 4(b)(4) and is DENIED as so construed. See FED. R. APP. P. 4(b)(4). Doss’s requests for certified copies of docket entries and transcripts are DENIED as moot.
2. The Clerk of Court is DIRECTED to mail a copy of this order to Doss.
3. To the extent Doss intends to file a motion pursuant to 28 U.S.C. § 2255, the Clerk of Court is further DIRECTED to mail to Doss a copy of the standard form for such motions as prescribed by the Local Rules of Court for the Middle District of Pennsylvania, in addition to a copy of the docket sheet, accompanied by a letter outlining the proper procedure and associated costs for seeking copies of relevant docket entries, transcripts, and other filings.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania